

**TREMONTON CITY CORPORATION
CITY COUNCIL MEETING
September 1, 2015**

Members Present:

Diana Doutre
Lyle Holmgren
Jeff Reese
Bret Rohde
Byron Wood
Roger Fridal, Mayor
Shawn Warnke, City Manager
Darlene S. Hess, Recorder

CITY COUNCIL WORKSHOP

Mayor Fridal called the September 1, 2015 City Council Workshop to order at 6:00 p.m. The meeting was held in the City Council Meeting Room at 102 South Tremont Street, Tremonton, Utah. Those in attendance were Mayor Fridal, Councilmembers Doutre, Holmgren, Reese, Rohde, and Wood, City Manager Shawn Warnke, and Recorder Darlene S. Hess. The following Department Heads were also present: Police Chief David Nance and Treasurer Sharri Oyler. Also in attendance was City Attorney Dustin Ericson.

1. Review of agenda items on the 7:00 p.m. Council Meeting:

The Council reviewed the September 1, 2015 Agenda with the following items being discussed in more detail:

Revocation of the business license of *My Style*. Attorney Ericson reminded the Council of the process. Both parties (Tremonton City and *My Style*) will be given the opportunity to present an opening statement. Following that, witnesses and evidence will be placed into the record and Recorder Hess will swear in any witnesses and place them under oath. Attorney Ericson will present eleven or twelve documents to put into evidence for the Council's consideration. While witnesses testify, the Council will have the right to ask questions. After Attorney Ericson questions any witnesses the City has called any representative from *My Style* will have the opportunity to question witnesses and call any witnesses they may have. Attorney Ericson would then be allowed to question witnesses *My Style* has called. After witnesses have been questioned, both parties will be allowed to present a closing synopsis. The Council will then be tasked with deciding whether to revoke the business license or not.

Councilmember Reese asked what options the Council will have. Attorney Ericson stated that the Council can table the issue or revoke the business license or not. Attorney Ericson noted that it is unknown if a representative from *My Style* will be in attendance tonight, but they have been served with notice by hand delivery and certified mail. Councilmember Wood asked if revoking the business license will shut down the whole

business or just the tattooing portion. Attorney Ericson noted it would revoke the whole business license and *My Style* would need to reapply for a business license to continue with the salon portion. Attorney Ericson recalled that during the August 18, 2015 City Council meeting there was a temporary Land Use Ordinance enacted that prohibits tattooing within Tremonton City limits. Councilmember Reese asked for clarification that if the Council revokes the business license for *My Style*, they will not be allowed to do tattooing with Tremonton City limits. Attorney Ericson replied that tattooing within City limits will not be allowed now based on current City ordinances.

Councilmember Holmgren asked if Cassidy Snell has convictions associated with the tattooing of a minor that will result in jail time or probation. Attorney Ericson noted that he will present a certified copy of the Judgement and Sentence to the Council during the hearing in City Council. Attorney Ericson summarized that Ms. Snell has been convicted of unlawful tattooing of a minor in which she pled guilty and was sentenced to pay a fine and given six (6) months probation and 180 days in jail. The 180 days in jail was suspended assuming that all terms of the probation are followed. Councilmember Holmgren asked if Ms. Snell could reapply for a business license for a beauty salon. Attorney Ericson noted that Ms. Snell could reapply and the application would be processed like all other applications. Hypothetically, if the Council chose to revoke the business license tonight then tomorrow Ms. Snell could reapply for a new business license excepting the tattooing aspect of her business.

Councilmember Rohde stated that Ms. Snell knew the consequences and acted on them. Attorney Ericson reported that Ms. Snell was fined \$680 and will start payments of \$100 a month beginning August 21, 2015. The court imposed, as part of her sentence, six (6) months of formal probation and required that she show monthly proof from the Bear River Valley Health Department (BRVHD) that she is in compliance with their regulations. There was a report from the BRVHD that she was non-compliant with the Health Departments tattooing regulations as well. Councilmember Holmgren asked if the BRVHD had issues with the beauty salon or just the tattooing aspect. Attorney Ericson understood that it was mostly with the lack of record keeping as it regards to tattooing. Chief Nance noted that the BRVHD was contacted after the violation occurred and they did an inspection the next day. It was found that during the three weeks that Ms. Snell had been authorized to do tattoos there were no records kept whatsoever. It is part of the State Law to keep those records.

Utility bill write-off's. Treasurer Oyler noted that some accounts have been sent to collections but no money has been received. They will stay in collections but the write-off will get them off from the balance sheet. Councilmember Reese asked if the City has done everything they can to collect the money. Treasurer Oyler confirmed that the City has. Mayor Fridal asked if the City ever gets money from the collection agency. Treasurer Oyler noted that once in a while the City does but not very often. Most people sent to collections are no longer living in Tremonton. Treasurer Oyler noted that she has to leave at 7:30 p.m. tonight and Manager Warnke may need to address this item during City Council.

Resolution No. 15-33. Recorder Hess noted that Micah Capener asked the City to do a petition to annex some land into the Tremonton City's limits. The land is located in south Tremonton by the South Stake Center and the railroad track. The land is vacant and will probably be used for development. Councilmember Rohde asked if this property has been considered for a trail. Manager Warnke noted that he spoke to Mr. Capener about a trail. Attorney Ericson is drafting an Annexation Agreement. It is proposed that the developer dedicate land for a trail and in return Mr. Capener would be reimbursed by Impact Fees as they come in, up to the value of the land. The Development Agreement would require the canal to be fenced but still allow the Canal Company access. Mayor Fridal stated it would be better to have something there instead of vacant property.

Implementing bicycle facilities. Manager Warnke spoke with Darin Furstrup, the Traffic Operations Engineer from UDOT, and came up with several different options for bicycle facilities on UDOT's roads. There are two streets primarily discussed for bicycle facilities: 300 East and Main Street. It is proposed that UDOT stripe a shoulder (fog line) on 300 East to delineate the vehicle travel lane from the shoulder and thereafter install bike route signs. The City's maintenance requirements would be the bike route signage and UDOT would maintain the shoulder stripe (fog line). It was proposed to UDOT, with Garland's approval, the inclusion of 300 East which turns into Garland Main Street all the way to Factory Street. It is anticipated that there is less maintenance associated with signage and that both cities could do the maintenance in house as opposed to the striping which would be contracted out.

The options for Main Street include sharrows which are painted markers on the road in the travel lane. The sharrows symbol is a bicycle symbol with chevrons. The City would be required to maintain the painted sharrows after UDOT initially paints them. The City received a bid from Interstate Barricades for \$37 per sharrow or \$1,100 total. It is unknown if the sharrows would need to be repainted every year. The other option on Main Street is to put up "share the road" signage but City staff believes that over time the signs could become invisible to vehicle drivers and thereafter the signage would be visual clutter on Main Street. Councilmember Reese expressed that the sharrows would make Main Street safer for bicyclists. There would not be a bike lane on Main Street rather a shared travel lane. Mayor Fridal noted the sharrows would make more people aware of bicyclists. Councilmember Wood noted that Main Street is very narrow now and the consequences are bad when a vehicle and bicycle are involved in an accident. Councilmember Wood did not think it was the best use of money to paint sharrows on Main Street and would give the City more liability.

Manager Warnke explained that another option would be to put up signage on Main Street, but it might not have as much value. Councilmember Wood stated that a bike lane would be better, like the one proposed on 300 East but Main Street is not big enough for a bike lane. Councilmember Doutre noted that "share the road" signs might be a good idea on 1000 North.

Manager Warnke noted that if UDOT painted sharrows on Main Street, the City would be committed for the maintenance. Councilmember Doutre stated that a shared lane is the only way that makes sense for bicycles as there is not room for a bike lane. Manager Warnke noted there are thirty (30) sharrows included in the \$1,100 bid. The sharrows would be spaced according to the MUTCD (Manual Uniform Traffic Control Devices). Councilmember Reese agrees that a shared lane looks like the only way to go. Manager Warnke commented that with sharrows a bicycle essentially becomes a vehicle. Councilmember Wood noted that he has not seen a lot of bicycle traffic on Main Street. Chief Nance agreed there is not a lot of bicycle traffic on Main Street and the children that do ride there use the sidewalk. The sidewalk is not to be used for bicycles but it is probably safer for children riding on Main Street. The rules of the road are that bicycles should go the same direction as a vehicle and are basically considered a vehicle to a large degree as they must signal.

Councilmember Holmgren noted that according to the SDAT (Sustainable Design Assessment Team), Main Street would be more walkable. Perhaps in the future it would be better to address a shared lane on Main Street. Right now it would be good to include the striping and signage on 300 East up to Factory Street, but if there are not a lot of bicyclists on Main Street, then now might not be the right time to address a shared lane. Manager Warnke discussed the City's liability previously with Mr. Furstrup. It did not look like the City would need to sign an agreement with UDOT.

Councilmember Wood asked what Director Fulgham thought about the bike lanes and sharrows. Manager Warnke replied that he thought Director Fulgham was fine with whatever decision the Council chooses. Manager Warnke has been a little hesitant about the sharrows. Councilmember Reese stated it would be best to do the proposed striping and signage on 300 East and leave Main Street alone for now. Manager Warnke would recommend that option since the Council is hesitant about the sharrows. Mayor Fridal does not think people notice the paintings on the road and the signs are ignored shortly after installed. A flashing sign warning drivers of bicyclists might be more noticeable. Councilmember Rohde noted that the bike lanes help encourage people to get outside and start being active and having a safe place to ride bicycles, but they are not needed on Main Street. The walking trails will also help encourage people to get out and be more active.

Councilmember Holmgren asked about the option for bike lanes or sharrows on 1000 North like Councilmember Doutre suggested as it is a nice road without as much traffic. It would be a good place to ride a bicycle. Councilmember Doutre has had comments regarding the new road on 1000 North and the turn lane in the middle. People cannot park on the road or ride bicycles there anymore. Chief Nance commented that it would be best to make it a no parking zone. Councilmember Doutre stated that the turn lane is only needed at 2300 West not the whole length of the new road. Chief Nance stated that the turn lanes may be needed in the future. People don't generally park on the road on 1000 North and it would be best to make it all no parking.

Councilmember Rohde suggested that the bike lane go from 300 East up 1000 North to 1000 West and continue past Jeannie Stevens. Councilmember Reese commented that 1000 North by Bear River High School is very narrow and would not have room for a bike lane. Mayor Fridal stated that perhaps the Council should just consider putting a bike lane on 300 East for now.

Surplus Patrol Car T31. Chief Nance explained that T31 is a silver Impala that was replaced several years ago but kept as a spare vehicle for trainings for Police and Fire Departments instead of taking marked vehicles. The vehicle has 106K miles and has a few problems with the gauges and the lights not working. The speedometer will only show 0 or 120 mph and the gas gauge does not work. Chief Nance asked the department managers if they were interested in the vehicle but no one was. Councilmember Rohde asked if there is another unmarked vehicle available for trainings. Chief Nance stated that a vehicle was replaced this year and will now be the spare vehicle for trainings.

Resolution No. 15-34. Manager Warnke noted that the Development Agreement follows template language that was previously approved by the Council; however, the Special Conditions section is a section the Council could review to find specific information and requirements regarding this development. Spring Hollow Legends is a planned unit development with a Zoning Ordinance Overlay specific to it that requires them to offset the density with planned improvements. Improvements are committed in the Development Agreement to build a clubhouse with an indoor pickle ball court. There will also be an outdoor basketball court, pickle ball court, and fencing. Some of the improvements are codified in the City's ordinance specific to the Zoning Ordinance Overlay. The City's Land Use Ordinance allows for substitutions. It is proposed to eliminate one of the outdoor pickle ball courts (as there were several), the tennis court, shuffle board amenities, and some of the open space. They will be substituted with an indoor pickle ball court and install secondary water mains and laterals. The development is planned as a senior housing development.

According to a change in the Land Use Ordinance, Manager Warnke stated that the fee in lieu has been paid for the chip seal and the street lights totaling about \$38K.

2. **Training regarding Ballot Proposition.** Manager Warnke recalled that several months ago the Council approved a resolution to support the proposition of the transportation tax. Box Elder County Commission decided to put the proposition of the transportation tax on the ballot this November and will run the election. The County must provide a 500 word summarization of the proposal. There are State Codes that regulate how public entities can participate or influence the proposal to go before voters. The State Code restricts the level of influence a public entity may have. Public funds may not be used to support or oppose the ballot proposition.

Public Officials would include the Council and some City Employees. Public Officials can, as an individual, advocate for or against the ballot proposition but it must be done independently and outside the scope of a public official and City resources cannot be used. Public Officials can give their own money to the Transportation Coalition or have

conversations with individuals in person or through email. However, City email accounts cannot be used for the conversations. If someone emails you on your City email, you can provide factual information without an opinion. Attorney Ericson noted that it might be best to copy the information Box Elder County will provide as their summary. Mayor Fridal stated that it would be okay to provide information but no opinion. Manager Warnke noted that the summary prepared by Box Elder County will be available online and the link could be forwarded to anyone asking for information. If you choose to have an individual conversation you would need to switch to your personal email account.

The County Clerk could impose a Civil Fine of up to \$250 for the 1st violation and \$1,000 for any subsequent violations of the State law. Manager Warnke explained that the City can put out factual information but it may be best to let Box Elder County be responsible for the summary. Mayor Fridal also thought it would be best to let Box Elder County do the summary. Manager Warnke thought it would be best for the City to take a neutral position and encourage residents to vote. Councilmember Holmgren wondered if Box Elder County has posted the summary online yet.

Motion by Councilmember Doutre to move into Closed Session. Motion seconded by Councilmember Reese. Roll Call Vote: Councilmember Rohde – aye, Councilmember Wood – aye, Councilmember Reese – aye, Councilmember Doutre – aye, Councilmember Holmgren – aye. Motion approved.

The Council moved into closed session at 6:44 p.m.

3. ***Closed Session:***

- a. ***Strategy session to discuss the purchase, exchange, or lease of real property when public discussion of the transaction would disclose the appraisal or estimated value of the property under consideration or prevent the public body from completing the transaction on the best possible terms.***

The Council returned to open session at 7:04 p.m. by consensus of the Council.

The meeting adjourned at 7:05 p.m. by consensus of the Council.

CITY COUNCIL MEETING

Mayor Fridal called the September 1, 2015 City Council Meeting to order at 7:09 p.m. The meeting was held in the Tremonton City Council Meeting Room at 102 South Tremont Street, Tremonton, Utah. Those in attendance were Mayor Fridal, Councilmembers Doutre, Holmgren, Reese, Rohde, and Wood, City Manager Shawn Warnke, and Recorder Darlene S. Hess. The following Department Heads were also present: Police Chief David Nance and Treasurer Sharri Oyler (left at 7:30 p.m.). Also in attendance were: City Attorney Dustin Ericson, and Code Enforcement Animal Services Officer Greg Horspool.

1. **Opening Ceremony:**

Mayor Fridal informed the audience that he had received no written or oral request to participate in the Opening Ceremony. He asked anyone who may be offended by listening to a prayer to step out into the lobby for this portion of the meeting. The prayer was offered by Councilmember Rohde and the Pledge of Allegiance was led by Councilmember Doutre.

2. Introduction of guests:

Mayor Fridal welcomed all in attendance.

3. Approval of Agenda:

Mayor Fridal asked if there were any changes or corrections to the Agenda. No comments were made.

Motion by Councilmember Holmgren to approve the agenda of September 1, 2015.

Motion seconded by Councilmember Doutre. Vote: Councilmember Doutre - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, Councilmember Rohde - aye, and Councilmember Wood - aye. Motion approved.

4. Approval of minutes – August 18, 2015:

Mayor Fridal asked if there were any changes to the minutes. There were no comments.

Motion by Councilmember Reese to approve the minutes of August 18, 2015.

Motion seconded by Councilmember Rohde. Vote: Councilmember Doutre - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, Councilmember Rohde - aye, and Councilmember Wood - aye. Motion approved.

5. Public comments: Comments limited to three minutes:

There were no public comments.

6. Hearing:

Mayor Fridal called a Hearing to order at 7:12 p.m. to consider the revocation of the business license of *My Style*. Manager Warnke explained the difference between a Public Hearing and a Hearing. A public hearing is when the public is invited to express their views and comments on a specific topic. A hearing is between the City and the invited individual, in this case, *My Style*.

- a. Wherein the City Council may formally consider the revocation of the business license of *My Style* (located at 980 West Main Street) pursuant to Title 9, Licensing, Control and Regulation of Business and Construction, Chapter 9-100 Licensing, Control and Regulation of Business, Chapter 9-120 Revocation or

Denial of Business License of the Revised Ordinances of Tremonton City where allegations of violation exists, or in this case a conviction of a criminal violation.

The Council invited Melissa Johnson (standing in for Cassidy Snell, the owner of *My Style*) to sit at the front table with Attorney Ericson during the Hearing. Attorney Ericson gave Ms. Johnson an outline of the events that will occur tonight. The City will be presenting an opening statement regarding why we are here tonight and why the City needs to consider revoking the business license of *My Style*. Ms. Johnson will then have the ability to comment or give an opening statement on behalf of *My Style*. After which, evidence will be presented to the Council as well as witnesses being called. Again, during that process, Ms. Johnson will have the opportunity to question any witnesses that are called.

After the City presents its evidence and witnesses, Ms. Johnson will have the opportunity to call any witnesses or present any evidence that she might have on behalf of *My Style*. At the end, there will be an opportunity for the City to give a synopsis of what evidence was presented and then *My Style* would then have that opportunity as well. After that, the City Council would be given the opportunity to make a decision on whether to revoke the business license or not.

Manager Warnke asked Attorney Ericson to speak to the criteria the Council needs to use in considering the revocation. Attorney Ericson recalled that the standard with which the Council is to consider the revocation of the business license is a preponderance of the evidence standard. If the evidence were put on balanced scales, whichever way leans even slightly more than the other, (50.1% to 49.9%) the Council should make the decision for the 50.1%, figuratively speaking. That is the standard that is to be applied tonight.

Attorney Ericson stated that the Council is likely aware that Ms. Cassidy Snell, who from Attorney Ericson's understanding, is the owner of *My Style* and was the applicant for the business license for *My Style*. Ms. Snell was recently convicted of unlawful tattooing of a minor in Tremonton Justice Court and sentenced to a fine and six (6) months probation. That sentence came down on the 17th of August of this year, approximately two weeks ago. Ms. Snell was in court and pled guilty to the charge and then was sentenced the exact same day. Based on Tremonton City Ordinance 9-120, which is dealing with business licensing, one of the criteria for maintaining a business license and not having it revoked is conduct of unlawful activity (criminal activity) on the premises of the business.

Tonight the Council will consider whether the business license should be revoked. The opinion of the City Attorney's office is that the business license for *My Style* should be revoked based on criminal activity occurring on the premises. Further aggravating the situation are the minutes from two City Council meetings and two Planning Commission meetings which show that unlawful tattooing of minors was specifically addressed with Ms. Snell. On multiple occasions, Ms. Snell

acknowledged the law to exist and very explicitly told the City Council and the Planning Commission that she would not tattoo minors. It has only been a couple months since the issuance of the business license for *My Style* and that law has been broken. Based on those facts, it is the City Attorney's opinion that the business license needs to be revoked at this time. Evidence will be presented to the Council for consideration.

Attorney Ericson turned the time over to Ms. Johnson. Ms. Johnson explained that she was filling in on short notice for Ms. Snell who was taken to the emergency room this evening. Ms. Johnson will present the information that was given to her by Ms. Snell. The minor that was tattooed did have a parental consent signed by her father; however, her mother disagreed and pressed charges against Ms. Snell. It was presented to the judge that she did have her father's signature for the tattooing. Other than that, Ms. Snell has followed all the rules that have been appointed to her. Ms. Johnson knows there must be a parental consent in order to tattoo a minor's, and knows there is a minimum age limit that a minor can get tattooed. Ms. Johnson noted that she is Ms. Snell's receptionist at *My Style*.

Councilmember Doutré stated that tonight is the first time she knew there was some kind of parental consent. Attorney Ericson explained that as of the court proceeding on the 17th of August there was no parental consent at all. Chief Nance will testify to that later. There were some text messages that were sent between Ms. Snell and the minor wherein Ms. Snell, after the tattoo had already been given, asked the minor to go to her dad and try to get consent from her dad because she knew she had done it without a parental consent. If the father has indeed signed something now, it was after the fact, within the last two weeks. When Ms. Snell was before the judge she told the judge there had been no parental consent from anyone. Councilmember Rohde asked if there were also issues with not keeping a log. Attorney Ericson proceeded to the evidence portion of the Hearing.

The first item Attorney Ericson presented was a certified copy of Ms. Snell's judgement sentence. The judgement sentence shows that on the 17th of August Ms. Snell pled guilty to unlawful tattooing of a minor and was given a \$680 fine and 180 days in the Box Elder County Jail with all 180 days being suspended. At this time Ms. Snell was not ordered to serve any jail time but was given six (6) months of formal probation. If any of the terms of her probation are violated, then the 180 days in jail will start. The judgement sentence was given to the City Recorder and marked as the City's exhibit #1.

Attorney Ericson asked that Code Enforcement Animal Services Officer Horspool be sworn in by the City Recorder so he can provide testimony.

WITNESS TESTIMONY

Recorder Hess: Do you solemnly swear that the testimony you're about to give in this case, pending before the City Council of Tremonton, will be the truth, the whole truth and nothing but the truth so help you God?

Officer Horspool: I do.

Attorney Ericson: Just briefly Officer Horspool, where are you currently employed?

Officer Horspool: Tremonton City Police Department.

Attorney Ericson: In what capacity?

Officer Horspool: I am the Code Enforcement Animal Services Officer.

Attorney Ericson: Okay, and Officer Horspool are you familiar with this document?

Officer Horspool: Yes I am.

Attorney Ericson: And what is that document?

Officer Horspool: This is the letter I hand delivered to *My Style*, to the owner.

Attorney Ericson: And what's the content of that letter, do you know?

Officer Horspool: The content...this is on behalf of the Council for her to appear today.

Mayor Fridal asked Officer Horspool to pull the microphone closer.

Officer Horspool: Oh, I'm sorry, is that better? This is the letter that I hand delivered on behalf of the City Council, this goes through the guidelines and the different codes and issues of regulation that they would like to speak to her on.

Attorney Ericson: And that letter was hand delivered to Miss Snell, personally?

Officer Horspool: Yes sir.

Attorney Ericson: By you?

Officer Horspool: Yes sir.

Attorney Ericson: Okay, and when was that done approximately?

Officer Horspool: That was done, Wednesday, August 19th; 1:45 p.m. to 2:04 p.m. is when I was out at that address.

Attorney Ericson: Okay. Now additional on this exhibit there's a green card in the upper left hand corner. Are you familiar with what this card is?

Officer Horspool: This would be the two copies, as I understand of this letter were sent. One was sent certified mail and the other was hand delivered by myself, so...

Attorney Ericson: And has that green card been signed?

Officer Horspool: Yes it has.

Attorney Ericson: As if the letter were accepted?

Officer Horspool: Yes it has.

Attorney Ericson: Does the Council have any questions for Officer Horspool? Ms. Johnson do you have anything that you want to...? At this time we would excuse Officer Horspool and we will submit Exhibit #2, which is the letter that was sent and hand delivered by Officer Horspool. At this time, the City would call Chief David Nance.

Recorder Hess: Do you solemnly swear that the testimony you're about to give in this case, pending before the City Council of Tremonton, will be the truth, the whole truth and nothing but the truth so help you God?

Chief Nance: I do.

Attorney Ericson: Chief Nance, for the record, could you please state where you're currently employed?

Chief Nance: With Tremonton City as the Police Chief.

Attorney Ericson: And in that capacity, have you had the opportunity to deal with the unlawful tattooing of a minor case that has taken place within the Tremonton City limits?

Chief Nance: Yes.

Attorney Ericson: I'm showing you what's been marked as the City's exhibit #3. Are you familiar with this document?

Chief Nance: Yes. This is the police report that I generated concerning a citizen.

Attorney Ericson: And could you please summarize the contents of this report for the City Council?

Chief Nance: Basically, on July 21st I received information that a parent was concerned about her daughter having been tattooed, her daughter being 17 years old. I called and spoke with the complainant. She indicated that on the 20th of July, she had discovered that her daughter had received a tattoo from Cassidy Snell, at the *My Style* salon and that no consent had been given and she was concerned about that. Myself and Officer Horspool went to the *My Style* salon on the 21st of July at about 3:30 p.m. and spoke with Cassidy concerning that allegation. She admitted to me that she already knew why we were coming to talk to her. She said that the parents of the minor had come in shortly after the tattoo had been placed on the minor and complained to her. We discussed that and she said that the minor was known to her and that she was just excited talking to her and that she had failed to get the consent or get any paperwork done on the minor before the tattoo was given.

Councilmember Rohde: Officer, can I ask a question while he's...

Attorney Ericson: Please.

Councilmember Rohde: The parents came in complaining or the parent?

Chief Nance: The mother, it was actually the mother and the stepfather.

Councilmember Rohde: Okay. Thank you.

Chief Nance: Cassidy indicated that she had since spoken with the minor and the minor indicated that her biological father was willing to sign a consent form and that he was going to bring that down to, or come down to *My Style* and sign that. But again, that was after the fact. Ms. Snell, talking to her further about it, she just indicated that she'd failed to check. She thought that the gal was of age. I indicated to her that I'd complete the report and submit it to the City Attorney for possible charges. On the 28th of July...want me to continue?

Attorney Ericson: Please

Chief Nance: 28th of July, I actually spoke with the minor. She came into the...I'd requested to speak to her through her mother to get her side of the story. When she came in, she indicated that she'd been wanting to get this tattoo. She was only a couple of months away from being 18, but that her mother was opposed to it. She knew Cassidy from another, from her employment, a previous employment down in the Brigham City area and heard through Facebook that she was doing tattoos. So she and her younger sister went over to the salon, spoke with Cassidy about getting the tattoo and subsequently did receive a tattoo on her

shoulder. She did a written statement for me. She indicated that she was talking to Cassidy, that they talked and discussed the fact that she was underage, not yet 18, and that she'd have to hide the tattoo for a couple of months and you know, not let her mother see it. She said that was openly discussed. She did generate a written statement to that effect for me. I also spoke with the health department to advise them of the violation. Ben Harker, with the health department, he's kind of the one that does the inspections on places that do tattooing. I understood from him that on the day after I spoke to him, which would have been probably about the 22nd or so of July, he did a surprise inspection at the salon. And in my conversation with him, he indicated they found that in the three weeks or so that they'd been allowed to be tattooing at the salon after they'd issued, or basically given them the okay from the health department to do it, they found that there'd been no records being generated on the tattoos that had been done during that time.

Attorney Ericson: And...Chief you just mentioned that you'd received a written statement from the minor. Then obviously where we are in a hearing and she's a minor, we are not disclosing name, but are you familiar with this document?

Chief Nance: Yes. This is the written statement that the minor wrote for...filled out for me and signed.

Attorney Ericson: Okay, and in that statement the minor talks openly about discussing her age with Ms. Snell?

Chief Nance: Correct.

Attorney Ericson: She also talks about covering up the tattoo?

Chief Nance: She does.

Attorney Ericson: This time I'll enter as exhibits 3 and 5 the Tremonton City Police Department report and also the voluntary statement signed by the minor. Chief Nance, I'm showing you what's been marked as City's exhibit #4. Are you familiar with this document?

Chief Nance: Yes. This is the email transaction I had with Mr. Harker from the health department where he said that he was sending me a copy of the letter that was...that the health department delivered to Ms. Snell about the violations they found.

Attorney Ericson: And what's the title of that letter that was delivered to Ms. Snell from the health department?

Chief Nance: Notice of violation, *My Style*. Yeah, notice of violation.

Attorney Ericson: And could you just outline for the Council what the violations were that were noted by the health department?

Chief Nance: It just says upon inspection that these two gentlemen from the health department inspected the tattoo shop, *My Style*, located at 980 West Main Street in Tremonton. Upon inspection, they learned that a violation of Utah Code 76-10-2201(3) was admitted to by Ms. Snell with no documentation to prove otherwise. Code, then it goes into what that code talks about, that they should obtain a photo copy of an apparently valid drivers license or government issued picture of identification. For a minor, it expresses, or expressly purports that the minor is 18 years of age or older before the person performs the body tattooing or piercing.

Attorney Ericson: So at this time, the City would enter this in as City's exhibit #4. Jumping to this Chief, are you familiar with what has been marked City's exhibit #6?

Chief Nance: Yes.

Attorney Ericson: And what is that?

Chief Nance: This is actually the photo that Ms. Snell provided to me that depicts the tattoo that she placed on the minor's right shoulder blade.

Attorney Ericson: And are you familiar with what's been marked as City's exhibit #7?

Councilmember Dautre: Are we allowed to see that?

Attorney Ericson: Yes. In fact, these can be circulated amongst the Council. Darlene, if you don't mind doing so. Sorry Chief. You've been handed what's been marked at City's exhibit #7. Are you familiar with this?

Chief Nance: Yes. These are actually snapshots or photos of the screenshots of Ms. Snell's text messages that she was sending back and forth to the minor. Conversation she had with the minor. Ms. Snell provided these to me or allowed me to take the photos of these. It's basically just conversations back and forth where she's talking about how she's in trouble. One of them indicates: Sorry, I had no idea you weren't 18. I didn't remember to have you fill out a consent form because you were a walk-in. I was super excited to see you, I spaced it. I'm sorry you got in trouble with your parents but I will suffer the consequences as well. There are several different conversations. Another one Ms. Snell says they both were freaking out, but I totally spaced you filling it out.

I'm guessing they are referring to the form.

I really need you to do so, so it at least shows I didn't force you to get one...that was on your own free will. They also have, here's a text message where they talk about having her father come in after the fact and fill out a consent form.

Attorney Ericson: So at this time we would provide this to the City Recorder as evidence. Again, the Council is welcome to look at that. They're a little bit out of order because it's difficult to follow the context but they provide some insight into what Ms. Snell was thinking. At this time, unless the Council has anything more for Chief Nance, I don't have any other questions for Chief Nance. Anybody on the Council?

Mayor Fridal: Anything Council?

Attorney Ericson: And Ms. Johnson do you have any questions for Chief Nance?

Ms. Johnson: No sir.

Attorney Ericson: At this time we would excuse Chief Nance. Just briefly, for the Council's consideration as well, I have here minutes from the April 7th Tremonton City Council meeting where Ms. Snell was present and presented to the Council. There's a highlighted section that I'm going to read verbatim from the minutes. It says: Ms. Snell commented that Utah does not have certifications for tattooing but they do restrict minors under the age of 17 from getting tattoos unless they have parental consent. Again referring to the fact she was readily aware of the law.

Councilmember Holmgren: Under the age of 17?

Attorney Ericson: That's what she stated, that's not actually the law.

Councilmember Holmgren: That's what she stated, that is not actually the law? Okay.

Attorney Ericson: That was verbatim from her. The actual law is under the age of 18 and it is actually minors ages 14-17. It is unlawful to tattoo anybody under the age of 14 even with parental consent. From the Planning Commission meeting of April 14, 2015, Ms. Snell stated to the Planning Commission: when doing tattoos, the following will be required of patrons by Ms. Snell; a valid ID, no one under the age of 18 years old will be allowed to get a tattoo in her shop, patrons will also be required to sign a consent form. Just to provide some context, these meetings all took place before her business license was issued and before this unlawful tattooing took place. The Planning Commission meeting of May 12, 2015, Ms. Snell stated that anyone being tattooed will be required to show valid ID and sign a consent form. And finally, the City Council meeting of May 19, 2015, the facility will be set up in accordance with the health and zoning

regulations of the State of Utah, Tremonton City and other governing laws. Which again, based on what Chief Nance read into the record and received from the Bear River Health Department, the records weren't being kept in accordance with health department regulations.

Lastly, to enter in as an exhibit for the City is just the City's Ordinance which is 9-120, which is revocation or denial of a business license under sub (1) and then sub (b). I will read verbatim: Any business license issued pursuant to the provisions of this Code or of any Ordinance of this City or State of Utah may be revoked and any application denied by the City Council for violation of which includes but is not limited to: Unlawful activities, by virtue of City or State laws, conducted or permitted on the premises where the business is conducted. I will submit all of these to the City Recorder as exhibits.

At this time the City has no further evidence or witnesses, and so if Ms. Johnson has anything that she would like to present to the Council she could do so.

Ms. Johnson: I know that after going to court that she did get hit with the fines and the probation and she does have the health department on her quite hard. Since then she has been keeping up quite heavily with all of her signings and checking any ID's that come in. She has her months that have been billed out from the time that she got hit even though we're well aware she should have done it beforehand also. She is on top of it now and being hit with the probation and everything else, it's been quite hard on her but she is doing all that she can to make sure that she is doing everything correctly and going back to how it should have been. Other than that, I don't have any witnesses.

Councilmember Holmgren: So has she done tattoos since this probation and going to court.

Ms. Johnson: Not on any minors just on the people who have the valid ID and everything.

Councilmember Holmgren: She has done some since that time?

Ms. Johnson: Yes.

Councilmember Rohde: Is that pile right there all the consents that's happened since then?

Ms. Johnson: This is all of August and then there's some of July also that I have.

Councilmember Rohde: Thank you. Is it appropriate to ask some questions at this point?

Attorney Ericson: Absolutely.

Councilmember Rohde: In reading that, a little bit of a question comes up with her stating that she didn't realize she was...Officer Nance referred to it, it's the page in there that's got an asterisk by it. But it really kind of leaves a question that she didn't know that she was 18 when it happened. Now I know that she pled guilty, but I don't know that she was pleading guilty to knowing that she was 17 at the time, just that she had not followed the law. Do we have proof that she did know that she was 17. I haven't read through all those texts yet, but that one there makes it seem like she didn't.

Attorney Ericson: We have contradictory evidence which is the statement given by the minor. In offering my opinion, I think that these texts were the "oh no I'm in trouble moment" and so after the fact she...these texts all came after she had been confronted by the local police department and then also the minor's parents. But the minor stated very clearly, both in her conversation with Chief Nance and in her written statement, that there was a discussion at the tattoo parlor about covering up the tattoo so that the minor's parents wouldn't see it until...the minor is to turn 18 this month. The tattoo was given in July and so there was a conversation about covering up the tattoo until the parents...or until the minor reached the age of 18 so the parents wouldn't discover it. And while certainly that's my belief, the reality of the situation is that she was required by law to get a consent form and to get photo copy of ID's and not only that but she told the City Council and Planning Commission that that would be her practice.

Councilmember Rohde: Correct, and so not only is this a question but also keeping the logs and following the judicial or the proper compliance at that point?

Attorney Ericson: Absolutely.

Councilmember Rohde: Okay.

Attorney Ericson: Does the Council have any other questions, anybody on the Council? At this time I will just briefly summarize the City Attorney's position, and that's that pursuant to 9-120 that *My Style's* business license should be revoked, recognizing that *My Style* would have the opportunity to apply for a new business license. If the Council were to even say...were to revoke the business license tonight, tomorrow *My Style* could reapply for a new business license. That being said, tattooing has been prohibiting in the City limits now, so that new application that could come in would eliminate the opportunity to do tattooing as a lawful business. The basis for the City Attorney's Offices opinion is that there was a violation of State law. Further aggravating that fact is that there were several steps along the process wherein Ms. Snell told the City Council, told the Planning Commission that she would require photo ID, that she would get consent. And we were just a couple weeks after her business license was issued; we already bumped into a problem, a criminal problem. And so based on that, it

is my recommendation that the City Council revoke the business license at this time.

Councilmember Holmgren: Can I still ask a quick question?

Attorney Ericson: Please.

Councilmember Holmgren: So I know we went through the process of suspending tattooing and that kind of thing. Were you aware that this had taken place and have you given tattoos since that happened?

Ms. Johnson: She has, I haven't. She has, it's her income so she has done it.

Councilmember Holmgren: Okay.

Attorney Ericson: Councilman Holmgren, just so that we can make sure everything's clear. *My Style* is grandfathered in based on that Ordinance so there would not have been a violation.

Councilmember Holmgren: Okay.

Attorney Ericson: Even though the City passed that new Ordinance two weeks ago, because of their grandfathering status there was no violation by them continuing to do tattooing in the previous two weeks. So that is not an allegation that the City's making tonight that there were any unlawful tattoos issued after that Ordinance was enacted.

Councilmember Holmgren: Thank you.

Attorney Ericson: At this time we'd turn it over to the Council for discussion amongst yourselves and consideration.

The Hearing closed at 7:45 p.m.

7. New Council Business:

- a. Discussion and consideration pursuant to revocation of the business license of *My Style* (located at 980 West Main Street) based upon preponderance of the evidence and pursuant to Title 9, Licensing, Control and Regulation of Business and Construction, Chapter 9-100 Licensing Control and Regulation of Businesses, and Part 9-120 Revocation or Denial of Business License of the Revised Ordinances of Tremonton City

Councilmember Rohde thanked Ms. Johnson for coming in on such short notice to represent her friend and employer. Ms. Johnson apologized she couldn't give

more information. Mayor Fridal asked for the Council's opinions. Councilmember Wood didn't think there was a choice but to revoke her business license. It is pretty much cut and dry. Councilmember Doutre agreed with Councilmember Wood but noted it makes her really sad because the Council took Ms. Snell at her word and wanted to work with her. It has only been a short amount of time and there have already been charges of unlawful activity and she feels betrayed.

Motion by Councilmember Rohde in lieu of the evidence, to revoke the business license of *My Style*. Motion seconded by Councilmember Holmgren. Mayor Fridal commented that you either comply by the rules or you do not. This is a significant example of not complying by the rules which were agreed to. Vote: Councilmember Doutre - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, Councilmember Rohde - aye, and Councilmember Wood - aye. Motion approved. Mayor Fridal thanked Ms. Johnson for coming in.

- b. Discussion and consideration of approving utility bill write-off's for non-collectable accounts

Attorney Ericson was excused at 7:47 p.m.

Manager Warnke explained that when accounts become uncollectable, the City uses an agency to pursue collection. Currently there is about \$1,200 in utility billing that City staff has determined to be uncollectable. If the Council approves the write-off it will reduce accounts receivable by \$1,283.45. Councilmember Reese noted that Treasurer Oyler discussed this more in the City Council Workshop.

Motion by Councilmember Reese to approve the utility bill write-off for non-collectable accounts. Motion seconded by Councilmember Wood. Vote: Councilmember Doutre - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, Councilmember Rohde - aye, and Councilmember Wood - aye. Motion approved.

- c. Discussion and consideration of adopting Resolution No. 15-33 accepting a Petition for Annexation of Parcel Numbers 05-186-0009 and 05-186-0001

Councilmember Holmgren noted that this item was discussed in the City Council Workshop.

Motion by Councilmember Holmgren to adopt Resolution No. 15-33. Motion seconded by Councilmember Reese. Roll Call Vote: Councilmember Rohde - aye, Councilmember Wood - aye, Councilmember Reese - aye, Councilmember Doutre - aye, and Councilmember Holmgren - aye. Motion approved.

- d. Discussion and consideration of implementing bicycle facilities (by signage and/or pavement markings) on Main Street and 300 East (UDOT Roads) and 600 South, 600 North, and Tremont Street (City Streets)

Councilmember Reese commented that this item was discussed further in the City Council Workshop.

Motion by Councilmember Reese to implement bicycle facilities on 300 East but not on Main Street because of the width of the road and the trouble it might create. Councilmember Doutre asked about the signage on Main Street. Councilmember Reese did not want to have signage or sharrows on Main Street. Motion seconded by Councilmembers Rohde and Wood. Vote: Councilmember Doutre - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, Councilmember Rohde - aye, and Councilmember Wood - aye. Motion approved.

- e. Discussion and consideration to surplus Patrol Car T31 – a 2005 Chevrolet Impala

Chief Nance explained that T31 has been used for transportation to trainings for the Police and Fire Departments. There are a few mechanical issues. Another vehicle has been replaced and will be used for transportation to and from trainings. None of the other City department heads were interested in adding T31 to their fleet.

Motion by Councilmember Wood to surplus patrol car T31. Motion seconded by Councilmember Doutre. Vote: Councilmember Doutre - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, Councilmember Rohde - aye, and Councilmember Wood - aye. Motion approved. Recorder Hess asked if the vehicle should be listed in the newspaper. Chief Nance said it did not need to be listed. It would be listed on the auction website.

- f. Discussion and consideration of approving Resolution No. 15-34 approving a Development Agreement with Spring Hollow Subdivision, Phase 1

Councilmember Rohde asked if Resolution No. 15-34 included the additions discussed in the City Council Workshop and an indoor court. It was confirmed that will include the additions and the indoor court.

Motion by Councilmember Doutre to approve Resolution No. 15-34 approving the development agreement with Spring Hollow. Motion seconded by Councilmember Reese. Roll Call Vote: Councilmember Rohde - aye, Councilmember Wood - aye, Councilmember Reese - aye, Councilmember Doutre - aye, and Councilmember Holmgren - aye. Motion approved.

- 8. Unfinished Business:

There was no unfinished business.

9. Comments:

a. Administration/City Manager Advice and Consent.

1) Status of September 15, 2015 City Council Meeting

Manager Warnke stated that the annual meeting notice does not have a meeting scheduled for September 15, 2015. Part of the reason is because of the ULCT (Utah League of Cities and Towns) Conference the Council attends. It does not look like City Council will be necessary on September 15th. The Council reported that if a meeting is necessary on September 15th, they would approve holding a meeting.

b. Council Reports:

Councilmember Holmgren heard a lot of good reports about the parade and noted there were a lot in attendance. The Box Elder County Fair was great. This year's Fair had the most animals with 798 market animals with sales tipping \$1M again.

Councilmember Doutre thinks the City handled the Fair very well. The Tremonton City Booth took sweepstakes. Councilmembers Reese and Doutre gave praise to Cindy Parry and Trish Judkins for the booth. Councilmember Doutre noted the prize money totaled \$150 and Ms. Parry was not sure where the money needed to go so and did not collect it. Councilmember Wood stated that the prize money should go to Ms. Parry and Ms. Judkins for a job well done. The Council noted all the time and energy that went into the booth.

Councilmember Reese agreed with Councilmember Doutre. The Fair booth was great.

Councilmember Wood remarked that Ms. Parry and Ms. Judkins should be responsible for the Fair booth for the next five years. It was excellent. The prize money should go to Ms. Parry and Ms. Judkins as they probably spent some of their own money on the booth. Councilmember Reese asked if the booth should be going to the State Fair. No one knew the answer.

Councilmember Rohde noted that the booth was awesome and phenomenal. Councilmembers Reese observed that a lot of work went into the booth and Councilmember Holmgren commented that the booth was bright and really nice. Councilmember Rohde stated that the Fair was a lot of fun and a great time. The Council commented that there were a lot of people in attendance this year.

Mayor Fridal was at the Fair every night. He spoke with Ms. Parry about the

Fair booth and noted that the City gave her a budget of \$500-700 and she spent about \$500. Mayor Fridal suggested that the prize money go to Ms. Parry and Ms. Judkins. Mayor Fridal also noted that Stevens-Henager College has a mayor's scholarship. The recipient must maintain certain grades. Councilmember Wood suggested that it go to someone on Youth City Council. Mayor Fridal asked the Council to consider someone to award the scholarship to.

Jim Abel told a story while waiting for the paperwork from Stevens-Henager to be located. Mr. Abel was told by a couple that Tremonton holds a special place in their hearts. They were in Tremonton 24 years ago on Fathers Day (Sunday) and their car overheated. A worker at a convenience store called someone from Napa Auto Parts Store and they were able to get the right part for the couple. The vehicle was fixed with tools borrowed from the worker at the convenience store and they were able to continue on their way home. Every time the couple has driven past Tremonton in the past 24 years they have stopped. The Council thanked Mr. Abel for the story.

The paperwork from Stevens-Henager was not found, but Mayor Fridal asked the Council to consider who would be a worthy recipient. Councilmember Reese stated that the Youth City Councilmembers would be a good place to look.

10. Adjournment.

Motion by Councilmember Wood to adjourn the meeting. Motion seconded by Councilmember Dautre. Vote: Councilmember Dautre - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, Councilmember Rohde - aye, and Councilmember Wood - aye. Motion approved.

The meeting adjourned at 8:01 p.m.

The undersigned duly acting and appointed Recorder for Tremonton City Corporation hereby certifies that the foregoing is a true and correct copy of the minutes for the City Council Meeting held on the above referenced date. Minutes were prepared by Cynthia Nelson.

Dated this _____ day of _____, 2015.

Darlene S. Hess, Recorder